

**ORDINANCE NO. 277.2016**

**ORDINANCE BY KERSHAW COUNTY COUNCIL AMENDING AND  
RESTATING KERSHAW COUNTY PROCUREMENT CODE**

FILED FOR RECORD  
2016 MAY 24 PM 2:20  
JOYCE ROSS HALL  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

**WHEREAS**, Kershaw County Council enacted a Kershaw County Procurement Code which was last amended and restated by ordinance dated August 12, 2014; and

**WHEREAS**, Kershaw County Council wishes to amend and restate Kershaw County Procurement Code Section 2-30 Organization of public procurement c) Exemptions. 6) and 7); Section 2-32 Methods of source selection. 4) and 8); Section 2-34 Request for proposals. a) Conditions for use.; b) Requests for Proposals; Section 2-35 Small purchases; Section 2-35-A Procurement of used equipment; and Section 2-37 Emergency procurement b).

**NOW, THEREFORE, BE IT ORDAINED** that the Kershaw County Procurement Code as amended is further amended as follows:

- 1) Section 2-30 Organization of public procurement c) Exemptions. 6) and 7) is amended to read as follows:

*c) Exemptions.* The following supplies or services need not be procured through the public procurement office, but may be procured by the appropriate department pursuant to the applicable requirements of this article:

- 1) Works of art for museum and public display;
- 2) Information technology and software;
- 3) Real property;
- 4) Postage stamps and postal fees;
- 5) Conference fees;
- 6) Training and dues; and
- 7) Professional services where the person engaged is customarily employed on a fee rather than competitive bidding including, but not limited to, appraiser, architect, auditor, consultant, engineer, legal services, and physician/medical services.

- 2) Section 2-32 Methods of source selection. 4) and 8) is amended to read as follows:

4) Small purchases \$1,500 and under.

8) Sole source and single source procurements approved by the purchasing agent when there is only a single or sole supplier, compatibility of equipment or parts or sole manufacturer is the paramount consideration or the item is one of a kind.

- 3) Section 2-34 Requests for proposals. a) Conditions for use; b) Requests for Proposals is amended to read as follows:

- a) *Conditions for use.* When the purchasing officer determines that the use of competitive sealed bidding is either not practical or not advantageous to Kershaw County, a contract may be entered into using a Request for Proposals procurement or a Request for Qualifications.
- b) *Requests for Proposals and Qualifications.* Proposals shall be solicited through a Request for Proposals while Statements of Qualifications shall be solicited through a Request for Qualifications. Notice will be placed in the State Budget and Control publication, *Business Opportunities*, and on the Kershaw County Web Site for all requests with an estimated cost over \$25,000.

4) Section 2-35 Small purchases is amended to read as follows:

**Section 2-35      Small purchases.**

For purposes of this section, supplies and/or services under twenty-five thousand dollars (\$25,000) in cost are exempt from competitive source selection. However, supplies and/or services costing one thousand five hundred one dollars (\$1,501) to five thousand dollars (\$5,000) shall require a minimum of two (2) telephone quotations. Supplies and/or services costing five thousand one dollars (\$5,001) to twenty-five thousand dollars (\$25,000) shall require a minimum of two (2) written quotations.

5) Section 2-35-A Procurement of used equipment is amended to read as follows:

Kershaw County may procure used equipment only at public auction, licensed dealership or another government entity. The department proposing to make such procurement must present satisfactory information to the purchasing officer or chief administrative officer to illustrate that the procurement of said equipment is cost effective to the county.

Approved equipment: Fire trucks, dump trucks, motor graders, backhoes, pans, bull dozers, cranes, paving machines, vehicles, and other satisfactory items on an as-needed basis by Kershaw County.

The comparison value of the used equipment must be verified with other like equipment on the basis of age, condition and comparable sales.

The equipment must be inspected by a qualified mechanic on behalf of the county, who shall have made a detailed inspection of each major working or major functional part and certified the working condition of each.

The requesting department must complete and present the Equipment Evaluation/Appraisal Form attached as Appendix A to the following:

Chief Financial Officer for certification of funding, and

Purchasing Officer for verification that all evaluation procedures were followed and the price comparison / value is reasonable; and

County Administrator for final review and approval or disapproval.

6) Section 2-37 Emergency procurement subsection b) is amended to read as follows:

b) If an emergency occurs during regular business hours, the department head or designee shall immediately notify the purchasing agent who shall either make the purchase or authorize the user to do so. If the purchasing officer is unavailable, the department head shall notify the chief administrative officer before making the purchase. If an emergency occurs at times other than regular business hours, the using agency may purchase directly the commodity or commodities required. If the estimated cost of the emergency purchase exceeds one thousand five hundred dollars (\$1,500), the head of such agency shall, whenever possible, secure competitive telephone bids and order delivery to be made by the lowest responsible bidder. On every emergency purchase made, the agency head shall, not later than two (2) working days thereafter, submit to the purchasing officer a requisition, a tabulation of bids received, if any, a delivery receipt and a written explanation of the circumstances of the emergency for issuance of a purchase order.

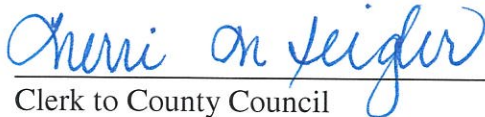
7) That except as amended the code is reaffirmed and restated as amended.

8) This ordinance is effective upon third reading.

KERSHAW COUNTY COUNCIL

By: 

ATTEST:

  
Clerk to County Council

First Reading: 4/12/2016

Second Reading: 4/26/2016

Third Reading: 5/10/2016